

Minutes
Small Business Compliance Advisory Panel
Tuesday, September 26, 2006

In Attendance:

Brad Overmoe, Red Hanger Cleaners
Paul Glauser, Staker and Parsons Companies
Don Lewon, Utah Metal Works
Kevin Hooper, West Valley City Community Development
Marie Marshall, Midvalley Chamber of Commerce
Bryce Bird, Division of Air Quality

Reginald Olsen, Division of Air Quality
Patrick Barickman, Division of Air Quality
Greg Sorenson, Division of Air Quality
Renette Anderson, Department of Environmental Quality

Excused:

Mark May, May Foundry and Machine

Approval of Minutes

Bryce Bird made a motion to approve the minutes of June 27. Brad Overmoe seconded the motion which then passed unanimously.

DAQ Mercury Workgroup

Patrick Barickman of the Planning Branch briefed the group on the activities the division and department are taking relative to mercury. Stakeholders from a variety of backgrounds and interests are meeting to coordinate mercury studies and investigations. The group is chaired by the Division of Water Quality. DAQ is also working on an air quality mercury plan. Information on both are available on the DEQ website. (Links below.)

Patrick said one of the challenges was determining where mercury is coming from. He referred the group to several handouts:

- 2004 TRI Mercury Emissions in the Western United States
- Global Mercury Emissions

Another challenge is that mercury can stay in the atmosphere for a few days to a year so pointing the finger at where things are coming from is difficult because it is not well understood.

DEQ has been working with the automotive repair industry on mercury switch recycling. It is also working with the local health departments on a mercury thermometer exchange.

Several questions were raised during the course of the discussion. In response:

- Information on where to go to recycle mercury can be obtained by calling the OPPA office at (801) 536-4480. It was suggested that information also be placed on the webpage.
- Methmercury is the type of mercury that is toxic to fetuses. Elemental mercury needs to go through several processes to reach this stage.
- Information on fish and duck advisories is available on the DEQ website. Due to funding constraints, testing has focused on the types of species people eat.
- Information available on the DEQ website includes:
 - Workgroup members: <http://www.deq.utah.gov/Issues/Mercury/workgroup.htm>
 - Background and advisories: <http://www.deq.utah.gov/Issues/Mercury/index.htm>
 - Air Quality's schedule for developing a mercury plan:
<http://www.airquality.utah.gov/Public-Interest/Current-Issues/mercury/Schedule.htm>
 - The Draft Mercury Plan: http://www.airquality.utah.gov/Public-Interest/Current-Issues/mercury/Utah_Proposal.htm

Update on NSR Reform Proposed Rule

Regg Olsen told the CAP that EPA had recently proposed three changes to the NSR rule.

- Debottlenecking – This would apply when an owner or operator modifies one portion of a facility in a way that production or throughput in other unchanged portions of the facility increases, thereby increasing the overall efficiency of the operation. EPA proposes that emissions from the unchanged portions of the facility be excluded if those emissions are already covered by a permit.
- Aggregation – This applies when multiple projects are implemented at a facility. EPA proposes that two (or more) projects must be considered together if one of them is dependent upon the other.
- Project Netting – This refers to the calculation used to determine if NSR applies where emission increases and decreases are added together. EPA is proposing to eliminate the need for a source-wide netting analysis if the net effect of the project does not result in a significant increase.

Comments on the proposals are currently being accepted through November 13. More information is available at:

Federal Registry: <http://www.epa.gov/fedrgstr/EPA-AIR/2006/September/Day-14/a15248.htm>

Fact sheet: http://www.epa.gov/nsr/documents/dapn_fn_fs_9-8-06.pdf

New PM 2.5 Standards

Bryce Bird said that EPA has reduced the previous PM2.5 standard from 65 to 35 micrograms per cubic meter. Based on that, the Logan, Brigham City, Ogden-Clearfield, Salt Lake, and Provo-Orem Metropolitan Statistical Areas (MSAs) are likely to violate the standard. DAQ will make a declaration of the attainment status of each of these areas. Modeling will allow the division to define the areas of impact, based on actual concentrations. He admitted that DAQ was unsure how it would affect other areas of the State because they were not being monitored. The Division may have an opportunity to reallocate some of those monitors.

When asked what this would mean, Bryce said all the easy fixes have already been done. What remain were tough solutions. Area sources and transportation would be looked at closely.

CAP members asked which area sources would be impacted and wondered how to make the philosophical change that would need to take place to get individuals to change their personal behavior. Citing similar changes in other areas of the country, it was noted that progress would be slow. Paul Glauser asked if the Division would be modifying emissions factors used by industry or would they be guessing again? He said his industry was interested in a more accurate way of determining what actually is 2.5. Bryce said that stakeholders would be invited to participate in the process of determining what steps would be taken.

In response to another question, Bryce said the greatest concern was during woodburning season. What people were most likely to see was a “red” day immediately when an inversion started to set in.

Update on DAQ Budget Proposal for FY2008

Bryce reminded members of June’s discussion about which fees were under discussion for possible increase or addition to the fee schedule. Only one fee change would be requested in the upcoming legislative session – a \$1.50 fee for each registered vehicle. All other fee proposals have been dropped.

Marie Marshall asked if there were other ways to increase funding other than raising fees? She said the Chambers of Commerce would be coming out against fees during this upcoming Legislative session because the feeling was that business was being “nickled and dimed” to make up for the recent tax cut.

Bryce explained that, currently, the division is funding in thirds: One-third from fees, one-third from grants, and one-third from general fund monies. DEQ has been consistently receiving less general fund monies in recent years and EPA has significantly cut back on grant funding. The only remaining option was to raise fees.

A copy of the DEQ public notice on its FY2008 Fee Schedule was included in CAP packets. CAP members were invited to submit comments, either through mail or by attending the October 19 hearing.

Nominations for Small Business Award

During the last meeting, staff was asked to request more information from Custom Crushing, Fabral, Backman Foundry, Cerametec, and Interstate Brands. A letter was sent to each and was followed-up by several phone calls. Based on that effort, Backman Foundry and Fabral sent information and Interstate Brands asked to be withdrawn from consideration. No response was received from the others.

The CAP reviewed the information received and recommended that awards be presented to Fabral and Backman Foundry. Renette Anderson was instructed to make arrangements to present the awards. Brad and Marie expressed an interest in attending the presentation at Backman, if possible. Don and Paul thought they could attend the presentation at Fabral. Renette will make arrangements and report back.

The CAP also requested that a letter be written to Ence Homes, thanking them for their application and commending them for achieving five starts in the Energy Star program.

Compliance Update

Bryce referenced the handouts on compliance activities for the months of June, July and August. Several small businesses were cited. The most common problem was faulty recordkeeping.

Regulatory and Outreach Update

Greg Sorenson reported that he was averaging nine calls for assistance each month, had made six site visits and two presentations – one to the Murray Chamber of Commerce and one to Nuset Industries – since last meeting. After today's meeting, he was participating in a workshop for dry cleaners.

Recent regulatory activity includes:

Final Rules:

- Revisions to Dry Cleaning Standard 40 CFR 63 Subpart M (10 elements changed)
 - Leak detection changed – test with equipment required
 - Monitor refrigeration system with high and low pressure gages as primary check
 - Compliance notification by July 28, 2008
 - No new transfer machines, eliminate large transfer systems by July, 28, 2008
 - Co residential elimination of PCE
 - Carbon adsorber on door system for new machines after December 2005.

- UAC R307-415-4(2) Operating permits – Source Category Exemptions for part 63 sources; Subpart M (Dry Cleaners), N (Chrome electroplating), O (ethylene oxide sterilization), T (Halogenated solvent cleaners) and RRR (secondary aluminum production)

Proposed Rules

- Deletion of R307-332, This change eliminates stage II vapor recovery requirements that would have impacted gas stations in non-attainment areas. New technology in automobile fuel tanks controls emissions.
- Replace Ozone SIP Section IX.D and Amend UAC R307-110-3, Adjusts plan from the old 1 hr standard to the new 8 hr standard
- Amend UAC R307-320, 325, 326, 327, 328, 335, 340, 341, 342, 343 and 101-2, Removes references to 1 hour ozone standard, reorganizes rules, makes stand alone rules for surface coatings and vapor recovery so rules are easier to read. No substantive changes reported.
- EPA Area Source Standards - OAQPS rule development schedule for the remaining 50 Area Source Rules under Urban Air Toxics. They are on a very tight timeline. 4 rules – December 06; 6 rules – June 07; 10 rules – every six months until finished. For more information: <http://www.epa.gov/ttn/atw/urban/arearules.html>

Next Meeting

The next meeting of the CAP will be November 21 at 2 p.m.